

PLEAS BEGIN IN PATTERSON CASE

Woman Feels Confident of Acquittal.

Lawyer Argues That Trial Was Not One for Immorality.

If the Defendant Did Wrong, the Man, and Not She, Was to Blame for It.

NEW YORK, Dec. 21.—Judge Vernon M. Davis did not deliver his charge to the jury in the trial of Nan Patterson, the former actress, tonight, but sent the jurymen home to rest after a day spent in listening to the arguments of counsel. It had been expected that the case would go to the jury before 6 o'clock, but Judge Davis put his charge over until tomorrow.

Abraham Levy, chief counsel for the defendant, occupied the time of the morning session with his argument, and Assistant District Attorney Rand took up the afternoon with his speech. Both addresses were impassioned and eloquent. Mr. Levy awayed his listeners to tears at times by his references to his client and the home coming in Washington which he anticipated.

He That Is Without Sin.

Placing a bible on the railing in front of the jurors, Mr. Levy read the eighth chapter of the gospel of St. John. He laid particular emphasis on the sentence: "He that is without sin among you, let him cast the first stone," and then he said to the jurors:

"Will you say to her who sits before you here, in the words of Him who spoke at that time, 'Woman, go and sin no more'?"

"With the happiness of your own home before you and with the joy of the Christmas festival in anticipation, are you going to condemn this young woman?"

"Do not send her to her doom now, when the entire world is rejoicing. She sits abandoned by all except that old man, her aged father. I leave her in your hands, confident that you will acquit her and restore her to her devoted old father at a time when everything proclaims peace on earth, good will to men. I ask that you allow her to take him home to the aged wife and mother who awaits them and give her a chance to live a new life with them in her home."

Pitilessly Condemned Her.

Mr. Rand's argument was a severe arraignment of Miss Patterson, and when the prosecutor pitilessly condemned the woman as the murderer of the bookmaker, Caesar Young, she quailed under his invective.

"At once, stony-hearted, cruel-mouthed avenger that she is, the story she told, the manner of telling it, ought not to be concerning of a child. Every action proclaims her guilt. Never yet was there a murderer who was not anxious to testify, believing that his story could prove convincing to the jury," thundered the prosecutor.

In detail he held up her character to the jury and asked if a woman like her was able to have any love other than that of the "beast." "The beast in the woman called to the man, and the beast in the man answered," he said.

Counsel Not Spared.

Miss Patterson's counsel was not spared by Mr. Rand, who, after saying that the defendant's testimony had been typewritten and learned by heart, added:

"There are those among her defenders who are capable of preparing testimony which they know to be false. I name no names, and I stand ready to prove what I say if there is any question raised on that statement."

J. Morgan Smith and his wife were denounced by the lawyer. Most impressive was Rand's attempt to show the jury that Young could not have shot himself. The skeleton, which had already appeared during the trial, was brought forward, and the attorney went over the details of the entrance of the bullet and the direction it took after entering Young's body. During this recital Miss Patterson covered her face with her gloved hands.

Used the Revolver.

Mr. Rand used the revolver with which Young was killed to prove that in no position could it have been held by Young to inflict the wound that caused his death. Facing the jury, with the pistol in his outstretched hand, the prosecutor exclaimed:

"Gentlemen, I will give you this revolver to take into the jury room, and if any man among you can hold it as the defense theory of suicide would require you to hold it in order to inflict this wound and then pull the trigger, I will consent to your setting this defendant free on the spot."

The remainder of the speech was given over to controverting the testimony of the defense.

After Mr. Rand's speech, Mr. Levy said:

"That was the most wonderful advocacy of any cause, the most masterful speech that I have ever heard in criminal case in the courts of twenty-five years. In spite of that, I am confident that Miss Patterson will be acquitted."

PLEADING TO THE JURY.

Closing Arguments of Counsel for Prosecution and Defense.

NEW YORK, Dec. 21.—Before another day Nan Patterson will probably know whether her long-cherished desire to spend the Christmas holidays with her invalid mother at Washington will be realized or whether she will be doomed to return to her cell as a convicted murderer.

Wash-day Troubles.

end when Fels-Naptha cuts wash-day in half—saves back, hands, clothes.

Fels-Naptha Philadelphia

After more than six months of waiting she has seen the whole story of her life with Caesar Young, with its tragic ending, laid bare before a jury, and today she waited for the words from them which will mean life or death to her. That she was supremely confident of the outcome there seemed no doubt, as was apparent from her own words.

Confident of Acquittal.

"I feel sure that the jury believes my story," she said, "and no matter what Mr. Rand says in regard to it, it will still be convinced of my innocence. I know, of course, that such things are awfully uncertain, but I feel that I will be acquitted within a brief time after the jury adjourns to deliberate."

The appearance of the courtroom when Justice Davis took his seat on the bench today was in marked contrast to that of yesterday and the day before. Not more than half the seats were occupied today.

Mr. Unger of counsel for the defense renewed his motion for Justice Davis to order the acquittal of Miss Patterson without further proceedings, but the court denied the motion and directed that the case proceed with the arguments. Mr. Levy then began the closing address to the jury for the defense.

Not Tried for Immorality.

Mr. Levy impressed upon the jury the fact that Miss Patterson was not being tried for immorality. No woman becomes bad because of innate depravity. She becomes bad because of the incentives of man and the weakness of her nature. If a man takes his life because of love of her who punishes her? If her soul were as black as the gates of hell she was nevertheless entitled under the law to as fair treatment as if she were the sweetest and purest.

"You cannot bring back the dead," said Mr. Levy, "but if Caesar Young were here today, I think he would speak a few words for this poor girl he has made his plaything."

Did Not Pursue Young.

Mr. Levy declared that every effort of the prosecution had failed to sustain the charge that Miss Patterson pursued and threatened to separate Young from his wife. All the evidence tended to prove that just the contrary was true, showing at all times Young's persistent and unflinching admiration.

Referring to the part of Miss Patterson's sister and brother-in-law, have had in the case, the attorney said:

"I am not responsible for Julia or her disreputable husband and I would to God that I could have brought them here. What may or may not have happened to Julia is a matter which has appeared in this trial. I do not know. I don't know if it may not be that, hiding behind this defendant, Morgan Smith or his wife were attempting to blackmail the deceased. There is no evidence connecting the defendant with the letter or showing that she knew of its contents or whether or not it had been sent."

He argued that the whole case of the prosecution was constructed of the most flimsy material and that this, if nothing more should raise a doubt in the minds of the jurors.

No Motive for Murder.

Mr. Levy claimed that the prosecution had failed utterly in its attempt to show that Miss Patterson had any motive to take Young's life. On the other hand, he had shown that she had every reason to want him to live. He supplied her plentifully with money, insuring her a life of ease and affluence, and she loved him. At the same time all the evidence went to show that he had consumed large quantities of liquor within a few hours previous to the tragedy.

Was It Not Possible, he asked, that Young, with his excitable nature, might have acted hastily when he learned that Miss Patterson had decided not to keep her promise to meet him in Europe? The prosecution failed at a vital point in its case, he declared, in not being able to prove that Miss Patterson had a revolver. He maintained that it had been proved conclusively that she had no pistol and suggested that the man who purchased the weapon at Sierra's pawnshop might have been Young's brother-in-law, Luce, and that the pistol might have been given Young by Luce when he saw him just before the fatal car ride began.

Experts Testify for Pay.

The testimony of expert witnesses who appeared before the jury might be dismissed with the statement: "Expert testimony is no better than your own common sense. We get experts to testify either one way or the other. They testify only for the side that pays them."

Mr. Levy read from the Bible the story of the meeting of Jesus and Mary Magdalene, concluding with Christ's words to "the woman, 'Go and sin no more'."

Then, pointing to the defendant, he said to the jury:

"Do not send her to her doom now when the entire world is rejoicing. See, she sits there abandoned by all except that old man, her aged father. I leave her in your hands, confident that you will acquit her and restore her to her devoted old father at a time when everything proclaims 'peace on earth, good will to men.' I ask that you allow her to take him home to the aged wife and mother, who awaits them, and give her a chance to live a new life with them in her home."

Jury Should Not Be Influenced.

The court-room was filled this afternoon when Assistant District Attorney Rand began his closing argument. Mr. Rand began by complimenting Mr. Levy on his plea for his client, saying: "If we did not listen to it with acquiescence we did at least with respect." He warned the jury, however, that they should not be influenced by the plea for sympathy for which the counsel for the defense had been driven by the insurmountable wall of evidence which confronted him.

After informing the jury that the prosecution and the defense agreed that either Young killed himself or was killed by the defendant, he attempted to show that the suicide or accident theory had been proved. In this connection the headless and legless skeleton which has figured in the case was again brought before the jury.

Mr. Rand insisted that nothing more than the testimony of Farnbroker Stern was needed to prove that Young was the victim of a premeditated murder. The defendant's counsel agreed, he said, that the gun was purchased for the purpose of killing Caesar Young, making it clear, he said, that the killing was deliberate and premeditated.

Young Never Carried Revolver.

He maintained that the defense had proved by constant witnesses that Young never carried a revolver and that he had no revolver the day he was killed. That he said, would destroy the suicide theory. The testimony of expert witnesses was made light of by Mr. Levy, who was warmly defended by Mr. Rand. He insisted that men who had been trained in certain lines were more competent to testify regarding those certain things than the man who had no special knowledge of the subjects.

Therefore, the testimony of Dr. Phelps, the expert on gunshot wounds, should be accepted at its full value. The testimony, said he, proved that Young could not have held the revolver in a position to shoot himself. He declared also that all the conditions were opposed to the suicide theory.

A man contemplating such an act usually is morose, while Young that morning had every reason for an exactly opposite feeling. He had just shaken from his shoulders a burden which he had carried for a year or more.

In referring to the appearance of Miss Patterson on the witness stand and the story told by her in her own defense, Mr. Rand made a bitter attack on the opposing counsel, charging that the testimony had been prepared in typewritten form and fully rehearsed before she was called.

"I don't want to say anything about my brothers in the profession," he said, "but I will say there are those among her defenders who are capable of preparing

Rank Fanaticism of Sophomores

Half-Crazed by Successful Evasion of Them by Kingdon Gould.

NEW YORK, Dec. 21.—No action will be taken by the Columbia university authorities in the case of Kingdon Gould, the freshman student who, yesterday thwarted the purpose of five sophomores who sought to kidnap him, by shooting a revolver over their heads. Secretary Keppel said he could see no reason why the university authorities should take any action. The occurrence took place outside the university grounds and was really out of their jurisdiction.

Indignation at the action of Kingdon Gould and the desire to secure a large contingent of freshmen for the sophomore dinner tonight was the cause of a remarkable display of interclass animosity at Columbia university today. Over 300 freshmen and sophomores engaged in a fierce street battle around the subway station at Broadway and One Hundred and Sixteenth street.

Young Gould himself did not appear at college today but the sophomores were determined to take revenge for his action yesterday. A number of freshmen, attempting to split away President Holbert of the first year class in the sciences, were intercepted by the waiting sophomores at the One Hundred and Sixteenth street subway station, and the fight rapidly centered about there. Surface traffic was stopped for over an hour and the subway station wrecked. Its glass doors being demolished, Holbert finally escaped from the crowd and boarded a downtown subway train, but the fight continued at Broadway and One Hundred and Sixteenth street.

The freshmen were led by P. Vonsaltza, a 200-pound Swedish student, who bowled over tons of sophomores before he was himself overcome by force of numbers and rendered unconscious. Many other men on both sides were hurt in the same way, but no serious results were reported.

After several hours of continuous fighting the affair was abandoned by mutual consent to be resumed after lectures later in the day.

Police Captain Nally was ordered today to investigate the shooting by Kingdon Gould yesterday.

Police Commissioner McAdoo said: "I must take cognizance of this case. Young Gould has no more right to carry a pistol without a permit than any one else."

CHRISTMAS RATES

Via Oregon Short Line

December 23, 24, 25 and 31, and January 1. Final limit January 3. Ask agents for particulars.

ODD TALE BY SHOPLIFTER.

Goods Given to Her by Woman Clerk, and She Sold Them.

NEW YORK, Dec. 21.—In the Jefferson Market court Mrs. Clara J. Hibbler Cook, aged 41, of No. 1737 Washington street, was charged with having stolen a Persian lamb coat, a shirt waist, three dozen pairs of silk mittens, two dozen neckties, one dozen towels and a cut glass bottle.

Mrs. Cook comes from Ohio and claims to be a cousin of the late William McKinley. Her husband, John Cook, told a strange story of peculiar influence exerted over his wife by a girl named Somers. According to his story his wife had been acting strangely for three months; in fact, ever since she met the girl.

Mrs. Cook said Miss Somers worked in a department store, never staying in one store over a week at a time. She passed the goods over the counter to her, Mrs. Cook, and ordered her to sell them. Mrs. Cook said she was unable to refuse for some unknown reason, and has sold goods given her by the Somers girl all over the city. She had turned the proceeds over to Miss Somers, keeping only a small commission.

The police were inclined to believe the peculiar tale and Mrs. Cook was held for an examination Tuesday while the detectives seek her strange friend.

Cook was unable to furnish bail, but said he had lots of friends in the city who could help him, although he hesitated to ask their aid because of the charge against his wife.

EXCURSIONS TO COLORADO

Via D. & R. G., Dec. 22 and 23.

Fare \$2.50 for the round trip to Denver, Colorado Springs and Pueblo. Tickets good for stopover.

FIFTEEN FAMILIES RESCUED

Fire in Columbus, O., Destroyed \$150,000 in Property.

COLUMBUS, Ohio, Dec. 21.—Fire today in High street, in the business district, caused a loss of \$150,000, destroying the Mithoff building and the stores of Krauss, Butler & Co., one of the largest carpet rug firms in Ohio, and the Wheeler grocery. Krauss, Butler & Benham suffered the heaviest loss, \$100,000. Five women were injured, more seriously, by the explosion of gas in the Mithoff building. The three upper floors of the Mithoff building contained fifteen families, but all were rescued.

testimony which they know to be false. I name no names and I stand ready to prove what I say if there is any question raised on that statement."

Miss Patterson's story, he declared, was a complete failure from the point of view of the defense.

"Even the clever actress as she is, stony hearted, cool, masked avenger," said he, "could not convince a child of the truth of her narrative."

Lacked Corroboration.

He pointed out in his story what he claimed to be numerous inconsistencies, and charged that the whole thing was built up for her in a clever manner from the people's case. This story, however, entirely lacked corroboration. Many of the important points could have been proved by J. Morgan Smith, the defendant's brother-in-law, yet he had not been produced. This was due, he declared, to the fact that the defense did not dare bring him forward for then the prosecution would prove the claim it has made all along and still insists is true that Smith purchased the revolver with which Young was killed.

Mr. Rand concluded his argument at 5:30 p. m. and Justice Davis cautioned the jury and told them to keep their judgment suspended on the issue of the case. Adjournment was taken until tomorrow morning when Justice Davis will deliver his charge.

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Pipe-Line 2000 Miles Long.
NEW YORK, Dec. 21.—Work has begun on the last stage of a pipe line which will convey oil from the fields of Indian Territory to the refineries in Long Island City and Green Point. Men are now preparing to lay pipes under the East river. The line will be 2000 miles long, and 2000 men will watch it, to detect breaks.

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